

2001 SESSION

INTRODUCED

012831732

HOUSE BILL NO. 2390

Offered January 10, 2001

Prefiled January 10, 2001

A BILL authorizing the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds in an amount not exceeding \$164,129,000 for the purpose of financing the cost of capital projects for parks and recreational facilities; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for the sale of the bonds; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of such obligations; providing that interest on such obligations shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia.

Patrons—Dillard, Albo, Almand, Bennett, Bloxom, Brink, Bryant, Callahan, Councill, Cox, Day, Diamonstein, Dickinson, Grayson, Griffith, Hamilton, Ingram, Jackson, Kilgore, Landes, Louderback, McClure, Morgan, Moss, O'Brien, Parrish, Plum, Pollard, Purkey, Putney, Rhodes, Scott, Sherwood, Suit, Watts and Wright; Senators: Byrne, Howell, Puller, Saslaw and Ticer

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. § 1. Title. This act shall be known and may be cited as the "Commonwealth of Virginia Park and Recreational Facilities_Bond Act of 2001."

§ 2. Authorization of Bonds and BANs. Subject to a favorable vote of a majority of the qualified voters voting on this act at the November 6, 2001, general election as hereinafter provided, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Park and Recreational Facilities Bonds, Series...", in an aggregate principal amount not exceeding \$164,129,000. The Treasury Board is further authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds by the issuance of bond anticipation notes ("BANs"), including BANs as commercial paper.

§ 3. Purpose; Projects. The proceeds of the bonds and BANs, excluding amounts needed to pay issuance costs and other financing expenses, shall be used as provided in § 4 hereof for capital projects for parks and recreational facilities as follows:

Project	2001-2003
A. Acquisition of land and development of four parks:	40,000,000
Natural Chimney/Grand Cavern State Park	
Trevilian Station Battlefield State Park	
A park to be located on the James River near Richmond	
A park to be located on the Middle Peninsula	
B. Acquisition of land for Natural Area Preserves	12,000,000
C. Construction of the following projects at existing state	

parks:

Park	Description of project
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HB2390

9/3/22 7:12

54	Bear Creek Lake	Construct additional picnic shelter facility	50,000
55			
56	Bear Creek Lake	New cabin construction	2,500,000
57			
58	Belle Isle	Construct new campground and visitor center	2,000,000
59			
60	Belle Isle	Expand shop complex	500,000
61			
62	Caledon Natural Area	Construct comfort station	200,000
63			
64	Caledon Natural Area	Rehabilitate caretakers' structure	120,000
65			
66	Chippokes Plantation	Replace Chippokes Plantation water system	620,000
67			
68	Chippokes Plantation	Renovate historic structures	4,000,000
69			
70	Chippokes Plantation	Renovate conference shelter, relocate	
71			
72		maintenance area & restore barns	800,000
73			
74	Chippokes Plantation	Upgrade River House to an interpretive	
75			
76		exhibit of period architecture	500,000
77			
78	Chippokes Plantation	Expand concession and campground	1,000,000
79			
80	Claytor Lake	Construct campground improvements	500,000
81			
82	Claytor Lake	Install additional marina docks	400,000
83			
84	Claytor Lake	Construct new cabins with docks	2,000,000
85			
86	Douthat	Construct additional cabins	1,500,000
87			
88	Douthat	Construct horse camping area	1,170,000
89			
90	Douthat	Construction of Stoney Run Lodge	1,000,000
91			
92	Fairy Stone	Renovate historic beach concession complex	750,000
93			
94	Fairy Stone	Dredge lake and construct new boat ramp	1,400,000
95			
96	Fairy Stone	Construct lodge	1,000,000
97			
98	Fairy Stone	Construct horse campground	200,000
99			
100	Fairy Stone	Construct horse concession area	100,000
101			
102	False Cape	Wash Woods Environmental Education Center	
103			
104		Dorm	500,000
105			
106	False Cape	Visitor center/comfort station/	
107			
108		administrative offices	1,500,000
109			
110	First Landing	Construct A and B area restroom	400,000

111			
112	First Landing	Upgrade campsite utility system	220,000
113			
114	First Landing	Construct storage area/pole sheds	150,000
115			
116	Grayson Highlands	Construct new restroom	500,000
117			
118	Grayson Highlands	Construct group campground with restroom	300,000
119			
120	Grayson Highlands	Improvement to stable area campground-	
121			
122		electric and water hook-ups	150,000
123			
124	Hemlock Haven	Construct new and expanded overnight	
125			
126		Facilities	1,500,000
127			
128	Holliday Lake	Construction of year round campground	1,000,000
129			
130	Hungry Mother	Dredge lake	1,375,000
131			
132	Hungry Mother	Replacement of water lines	388,000
133			
134	Hungry Mother	Construct new campground	1,000,000
135			
136	Hungry Mother	Construct restroom	145,000
137			
138	James River	Construct campground	1,000,000
139			
140	James River	Construct cabins	3,500,000
141			
142	James River	Construct horse campground	500,000
143			
144	James River	Construct visitors center/office complex	1,500,000
145			
146	James River	Construct staff residence	175,000
147			
148	Kiptopeke	Construct nautical waterfront building	2,002,000
149			
150	Kiptopeke	Construct overnight lodges	1,500,000
151			
152	Kiptopeke	Develop yurt village in campground	125,000
153			
154	Lake Anna	Construct new cabins and campsites	3,500,000
155			
156	Lake Anna	Relocate boat launch and expand beach area	200,000
157			
158	Lake Anna	Construct water service to picnic area	206,000
159			
160	Lake Anna	Construct maintenance area pole shed	105,000
161			
162	Leesylvania	Construct group use picnic shelter	49,000
163			
164	Leesylvania	Construct boat piers	250,000
165			
166	Mason Neck	Construct new office/administrative complex	

167			
168		<i>near park entrance</i>	<i>480,000</i>
169			
170	<i>Mason Neck</i>	<i>Construct chief ranger and assistant</i>	
171			
172		<i>manager residences</i>	<i>250,000</i>
173			
174	<i>Mason Neck</i>	<i>Improve Phase II Road</i>	<i>200,000</i>
175			
176	<i>Mason Neck</i>	<i>Construct picnic shelters</i>	<i>129,000</i>
177			
178	<i>Mason Neck</i>	<i>Replace and enlarge visitor center/</i>	
179			
180		<i>discovery center/meeting space</i>	<i>500,000</i>
181			
182	<i>Natural Tunnel</i>	<i>Construct campground and bathhouse</i>	<i>1,000,000</i>
183			
184	<i>Natural Tunnel</i>	<i>Construct cabins</i>	<i>3,500,000</i>
185			
186	<i>New River Trail</i>	<i>Expand Foster Falls water distribution</i>	
187			
188		<i>System</i>	<i>150,000</i>
189			
190	<i>New River Trail</i>	<i>Trail-wide facility development</i>	<i>500,000</i>
191			
192	<i>New River Trail</i>	<i>Further development of Foster Falls</i>	
193			
194		<i>complex including hotel renovation</i>	<i>3,500,000</i>
195			
196	<i>Occoneetchee</i>	<i>Complete boat ramp improvements</i>	<i>200,000</i>
197			
198	<i>Occoneetchee</i>	<i>Construct cabins</i>	<i>3,500,000</i>
199			
200	<i>Occoneetchee</i>	<i>Improve campground road and utilities</i>	<i>200,000</i>
201			
202	<i>Occoneetchee</i>	<i>Construct horse camping area</i>	<i>100,000</i>
203			
204	<i>Occoneetchee</i>	<i>Construct Shenandoah-style contact station</i>	
205			
206		<i>and office complex</i>	<i>120,000</i>
207			
208	<i>Occoneetchee</i>	<i>Renovate campground</i>	<i>50,000</i>
209			
210	<i>Pocahontas</i>	<i>Road Repairs</i>	<i>600,000</i>
211			
212	<i>Pocahontas</i>	<i>Construct new environmental education</i>	
213			
214		<i>center and headquarters</i>	<i>2,000,000</i>
215			
216	<i>Pocahontas</i>	<i>Construct equestrian center and horse</i>	
217			
218		<i>camping area</i>	<i>1,500,000</i>
219			
220	<i>Pocahontas</i>	<i>Construct parking areas</i>	<i>225,000</i>
221			
222	<i>Pocahontas</i>	<i>Construct boat dock and boat rental</i>	<i>120,000</i>
223			

224	Pocahontas	Expand campground including camping cabins	2,500,000
225			
226	Sailor's Creek	Construct visitor center	1,000,000
227			
228	Battlefield		
229			
230	Sailor's Creek	Construct modern restroom near Hillsman	
231			
232		House	120,000
233			
234	Battlefield		
235			
236	Sailor's Creek	Renovate Hillsman House and install exhibits	400,000
237			
238	Battlefield		
239			
240	Shenandoah "Andy	Construct road - Culler's Tract	668,000
241			
242	Guest"		
243			
244	Shenandoah "Andy	Construct cabins and campground	4,500,000
245			
246	Guest"		
247			
248	Shenandoah "Andy	Construct visitor center/office	1,000,000
249			
250	Guest"		
251			
252	Sky Meadows	Construct picnic area	335,000
253			
254	Sky Meadows	Expand campground including Appalachian	
255			
256		Trail shelters	200,000
257			
258	Smith Mountain Lake	Construct visitor center	1,008,000
259			
260	Smith Mountain Lake	Construct new campground	1,000,000
261			
262	Smith Mountain Lake	New construction of large picnic shelter	
263			
264		and play area	75,000
265			
266	Smith Mountain Lake	New construction and improvements for	
267			
268		additional water access	200,000
269			
270	Smith Mountain Lake	Construct new overnight lodges	1,000,000
271			
272	Smith Mountain Lake	Expand and pave boat ramp parking	150,000
273			
274	Staunton River	Renovate visitor center/discovery center	460,000
275			
276	Staunton River	Construct horse campground	750,000
277			
278	Staunton River	Construct contact station and trail head	
279			

280		<i>parking</i>	<i>200,000</i>
281			
282	<i>Staunton River</i>	<i>Boat ramp improvements</i>	<i>200,000</i>
283			
284	<i>Staunton River</i>	<i>Construct three new picnic shelters</i>	<i>100,000</i>
285			
286	<i>Staunton River</i>	<i>Construct new environmental education</i>	
287			
288		<i>center and dormitory</i>	<i>1,500,000</i>
289			
290	<i>Staunton River</i>		
291			
292	<i>Battlefield</i>	<i>Construct bateau/canoe landing</i>	<i>125,000</i>
293			
294	<i>Staunton River</i>		
295			
296	<i>Battlefield</i>	<i>Burial of electrical lines</i>	<i>500,000</i>
297			
298	<i>Staunton River</i>		
299			
300	<i>Battlefield</i>	<i>Construct horse camping at Mulberry Hill</i>	<i>100,000</i>
301			
302	<i>Staunton River</i>		
303			
304	<i>Battlefield</i>	<i>Mulberry Hill improvements, renovation</i>	
305			
306		<i>and exhibits</i>	<i>300,000</i>
307			
308	<i>Twin Lakes</i>	<i>Construct new park shop/maintenance</i>	<i>524,000</i>
309			
310	<i>Twin Lakes</i>	<i>Construct staff residence to replace</i>	
311			
312		<i>Stoney Knoll</i>	<i>250,000</i>
313			
314	<i>Westmoreland</i>	<i>Construct new visitor, discovery and</i>	
315			
316		<i>birding center</i>	<i>1,000,000</i>
317			
318	<i>Westmoreland</i>	<i>Expand office complex</i>	<i>150,000</i>
319			
320	<i>Westmoreland</i>	<i>Construct picnic shelters</i>	<i>75,000</i>
321			
322	<i>Wilderness Road</i>	<i>Construct utilities, roads, picnic area</i>	
323			
324		<i>and parking</i>	<i>920,000</i>
325			
326	<i>Wilderness Road</i>	<i>Construct visitor center</i>	<i>1,120,000</i>
327			
328	<i>Wilderness Road</i>	<i>Construct staff residence</i>	<i>175,000</i>
329			
330	<i>Wilderness Road</i>	<i>Horse parking</i>	<i>150,000</i>
331			
332	<i>Wilderness Road</i>	<i>Improvement of mansion/gazebo</i>	<i>500,000</i>
333			
334	<i>Wilderness Road</i>	<i>Construct Martin's Fort/Gibson's Station</i>	<i>1,000,000</i>
335			
336	<i>York River</i>	<i>Renovate and expand boat ramp facilities</i>	<i>500,000</i>

337			
338	York River	Native American heritage village	2,500,000
339			
340	Various parks	Repair Shoreline Erosion, Phase I	6,000,000
341			
342	Various parks	Repair Shoreline Erosion, Phase II	4,000,000
343			
344	Various parks	In-holdings and Acquisitions	5,000,000
345			
346	Various parks	Trail Improvements	3,500,000
347			
348	Various parks	Disability Access Projects	1,500,000
349			
350	Total of construction projects in existing parks		112,129,000
351			
352	GRAND TOTAL		\$164,129,000
353			

354 The General Assembly hereby finds and determines that the estimated useful life of the capital
 355 projects listed above is in excess of twenty-one years.

356 To the extent that the cost of any capital project in subsection C is less than the amount allocated to
 357 such project, the Director of the Department of Conservation and Recreation may increase the amount
 358 allocated to any other capital project included in subsection C. No such allocation to a capital project
 359 may be increased, however, until it has been demonstrated to the satisfaction of the Director of the
 360 Department of Conservation and Recreation that (a) the cost of the capital project has been reduced to
 361 the extent reasonable, (b) the capital project has not been expanded or enhanced beyond that originally
 362 approved, and (c) the capital project is suitable and adequate for the scope originally intended. No
 363 increase in the amount allocated to any capital project shall constitute an authorization for the issuance
 364 of bonds in an amount in excess of the aggregate amount authorized hereunder. No allocation shall be
 365 made to any capital project included herein until all applicable requirements of § 10.1-200.1 of the
 366 Code of Virginia have been met.

367 § 4. Application of Proceeds. Proceeds (including any premium) of the bonds and any BANs (except
 368 the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds and
 369 (iii) refunding BANs) shall be deposited by the State Treasurer in a special capital outlay fund in the
 370 State Treasury and shall be disbursed only for the purpose for which the bonds or any BANs have been
 371 issued. In the event that the proceeds of the bonds or BANs exceed the cost of the projects specified in
 372 § 3, the Treasury Board shall cause such excess proceeds to be applied to the retirement of the bonds
 373 or BANs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding
 374 bonds and (iii) refunding BANs and any funds provided by the General Assembly, or available from any
 375 other source, for the purpose, shall be used to pay such BANs, refunded bonds and refunded BANs.

376 The proceeds of the bonds and any refunding bonds or BANs are hereby appropriated for
 377 disbursement from the State Treasury for the current biennium pursuant to Article X, Section 7 of the
 378 Constitution of Virginia, and § 2.1-224 of the Code of Virginia. The general conditions and general
 379 provisions of the general appropriation act enacted pursuant to Chapter 27, Title 2.1 of the Code of
 380 Virginia, in effect from time to time, and all of the terms and conditions contained therein shall apply to
 381 the capital projects listed in § 3. The Governor or his designee is hereby authorized to increase the
 382 appropriation for any project listed in § 3 by the amount of the proceeds of donations, gifts, grants or
 383 other nongeneral funds paid into the state treasury in excess of such appropriation.

384 § 5. Details, sale of bonds and BANs. The bonds shall be dated, shall mature at such time or times
 385 not exceeding twenty-one years from their date or dates and may be made redeemable before their
 386 maturity or maturities at such price or prices or within such price parameters, all as may be determined
 387 by the Treasury Board, by and with the consent of the Governor. The principal of the bonds shall be
 388 amortized, by payment into a sinking fund or otherwise, in annual installments. The first annual
 389 installment of principal of the bonds shall become due not later than one-tenth of the term of the bonds,
 390 and no installment of principal of the bonds shall be more than twice the smallest previous installment.
 391 Any such sinking fund shall not be appropriated for any other purpose.

392 The bonds shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at
 393 rates established by formula or other method, and may contain such other provisions, all as the
 394 Treasury Board or the State Treasurer, when authorized by the Treasury Board, may determine. The
 395 principal of and premium, if any, and interest on the bonds and BANs shall be payable in lawful money
 396 of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by

397 the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents,
398 or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to
399 the bonds and BANs. Bonds and BANs may be issued under a system of book entry for recording the
400 ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The
401 Treasury Board shall fix the denomination or denominations of the bonds and the place or places of
402 payment of principal, premium, if any, and interest, which may be at the office of the State Treasurer or
403 at any one or more banks or trust companies within or without the Commonwealth.

404 The Treasury Board may sell the bonds and any BANs in such manner, either by competitive
405 bidding, negotiated sale or private placement, and for such price as it may determine, by and with
406 consent of the Governor, to be in the interest of the Commonwealth.

407 In the discretion of the Treasury Board, bonds and BANs may be issued at one time or in part from
408 time to time and may be issued and sold at the same time with other general obligation bonds and bond
409 anticipation notes, respectively, of the Commonwealth authorized pursuant to Article X, Section 9(a)(3),
410 (b) or (c) of the Constitution of Virginia, either as separate issues, as a combined issue designated
411 "Commonwealth of Virginia General Obligation Bonds [Bond Anticipation Notes], Series 20....," or as a
412 combination of both. The bonds and BANs shall be signed on behalf of the Commonwealth by the
413 Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser
414 seal of the Commonwealth or a facsimile thereof. In the event that the bonds or BANs bear the facsimile
415 signature of the State Treasurer, they shall be signed by such administrative assistant as the State
416 Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by
417 the Treasury Board. If any officer whose signature or facsimile signature shall appear on any bonds or
418 BANs shall cease to be such officer before the delivery, such signature or such facsimile shall
419 nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office
420 until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by,
421 such persons as at the actual time of the execution are the proper officers to sign such bond or BAN
422 although, at the date of such bond or BAN, such persons may not have been such officers.

423 § 6. Refunding. The Treasury Board is hereby authorized, by and with the consent of the Governor,
424 to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to
425 refund any or all of the bonds and BANs, respectively, issued under this act or otherwise pursuant to
426 Article X, Section 9(b), of the Constitution of Virginia. Refunding bonds and BANs may be issued in a
427 principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be
428 refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding
429 bonds and BANs may be issued whether or not the bonds or BANs to be refunded are then subject to
430 redemption. Any escrow or trust fund established with the proceeds from the sale of refunding bonds
431 shall be irrevocably pledged to the payment of the bonds to be refunded, and shall be used solely to pay
432 such bonds or BANs at maturity or upon redemption or for the purchase of not less than all of the
433 bonds or BANs to be refunded. Any such escrow or trust fund shall constitute a special fund for the
434 payment of such refunded bonds or BANs, and such refunded bonds or BANs, to the extent of amounts,
435 including the maturity amounts of investments, set aside for the payment thereof in such escrow or trust
436 fund, shall not be included for the purposes of determining any limitations upon the amount of bonded
437 indebtedness of the Commonwealth that may be incurred pursuant to Article X, Section 9(b), of the
438 Constitution of Virginia. The Treasury Board may, however, direct that the interest received from the
439 investment of the proceeds of the bonds or any BANs be transferred to the general fund of the State
440 Treasury.

441 § 7. Authorized Investments. Pending the application of the proceeds of the bonds or BANs (including
442 refunding bonds and BANs) to the purpose for which they have been authorized and the application of
443 funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State
444 Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds
445 and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the
446 investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of
447 the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or
448 BANs.

449 § 8. Security for bonds and BANs. The full faith and credit of the Commonwealth are hereby
450 irrevocably pledged for the payment of the principal of and the interest on bonds and (unless the
451 Treasury Board, by and with the consent of the Governor, shall provide otherwise) BANs issued under
452 this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding
453 bonds and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and
454 interest and any premium on such bonds or BANs to be refunded thereby. In addition, the Treasury
455 Board may pledge the full faith and credit of the Commonwealth for the payment of the principal of and
456 interest on any BANs. If sufficient funds are not appropriated in the general appropriations act for any
457 fiscal year for the timely payment of the principal of and the interest on the bonds, any refunding bonds
458 or any BANs where the full faith and credit of the Commonwealth has been pledged, there shall be set

459 apart by direction of the Governor, from the first general fund revenues received during such fiscal year
460 and thereafter, a sum sufficient to pay such principal and interest.

461 § 9. Expenses. All expenses incurred under this act shall be paid from the proceeds of the bonds, or
462 any refunding bonds or BANs, or from any other available funds as the Treasury Board shall determine.

463 § 10. Exemption of interest from tax. The bonds and BANs issued under the provisions of this Act,
464 their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times
465 be exempt from taxation by the Commonwealth and by any political subdivision thereof. The interest on
466 the bonds and any refunding bonds or BANs may be subject to inclusion in gross income of the holders
467 thereof for federal income tax purposes.

468 § 11. Referendum. The question of the effectiveness of this act and the authorization of the bonds
469 shall be submitted to the qualified voters of the Commonwealth at the general election to be held on
470 Tuesday, November 6, 2001. Notice of the election shall be given, the ballots shall be prepared,
471 distributed and voted, and the results thereof ascertained and certified, in accordance with Title 24.1 of
472 the Code of Virginia, relating to special elections. The ballots to be used at the election shall pose the
473 question in substantially the following form:

474 QUESTION: Shall Chapter __, Acts of the General Assembly of 2001, authorizing the issuance of
475 general obligation bonds of the Commonwealth of Virginia in the maximum amount of \$164,129,000
476 pursuant to Article X, Section 9(b) of the Constitution of Virginia for capital projects for parks and
477 recreational facilities, take effect?

478 The State Board of Elections shall cause to be sent to the electoral boards of each county and city
479 sufficient copies of the full text of this act and the question contained herein for the officers of election
480 to post in each polling place on election day. The State Board of Elections shall without delay make out
481 and transmit to the Governor and to the Treasury Board an official copy of the report of the whole
482 number of votes cast at the election for and against the act, certified by it.

483 If a majority of those voting thereon shall vote in favor of this act, this act shall take effect and the
484 bonds may be issued as hereinabove provided. If a majority of those voting thereon shall vote against
485 this act, this act shall not take effect and the bonds shall not be issued.

486 The expenses incurred in conducting this election shall be defrayed as in the case of election of
487 members of the General Assembly.

488 § 12. Severability. The provisions of this act or the application thereof to any person or circumstance
489 that are held invalid shall not affect the validity of other provisions or applications of this act that can
490 be given effect without the invalid provisions or applications.